HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.812 of 2007

Between:

Manepalli Mohan Rao … Appellant

And

Station House Officer,
Bommuru P.S., Rajahmundry,
East Godavari District and another. …
Respondents

:: J U D G M E N T ::

Counsel for the appellant : Sri P. Prabhakar Reddy

4th October, 2007

Per G.S. Singhvi, C.J.

Having failed to convince the learned Single Judge to entertain his prayer for issue of a mandamus to the respondents to expedite the investigation in Crime No.225/2003, the appellant has filed this appeal.

It is borne out from the record that on a complaint lodged by the appellant on 28-11-2003 at Police Station, Bommuru, East Godvari District, FIR No.225/2003 was registered for offences under Sections 427, 448, 324 and 380 read with Section 34, IPC. It is also borne out from the record that after completing the investigation, the police submitted final report dated 29-2-2004. However, without even making a mention of the final report, the appellant filed Writ Petition No.13646 of 2006 with the allegation that the respondents have not investigated

the case.

The learned Single Judge took cognizance of the fact that the investigation had been completed in February, 2004 and final report was filed on 29-2-2004 and disposed of the writ petition by observing that if the petitioner wants to contest the final report, then he can avail appropriate legal remedy.

Sri P. Prabhakar Reddy, learned counsel for the appellant invited our attention to orders dated 8-4-2005 and 18-11-2006 passed by the learned Single Judges in Writ Petition No.21245 of 2004 and Criminal Petition No.772 of 2003, and argued that failure of the respondents to complete the investigation of Crime No.225/2003 is a part of the conspiracy hatched by the officials of the police department to harass his client and, therefore, the Court should direct them to take action against the persons who committed the crime on the night of 27-11-2003.

In our opinion, there is no merit in the argument of the learned counsel and the appeal is liable to be dismissed summarily. A perusal of the writ affidavit and the memorandum of appeal shows that the appellant has not explained the time gap of almost two and half years between the lodging of First Information Report and filing of the writ petition. This unusual delay of two and half years is, by itself, sufficient to draw an inference that the appellant has not approached the Court with clean hands. Therefore, he cannot be heard to make a grievance regarding the so-called delay in the completion of investigation. That apart, in view of the fact that the investigation has already been completed, we do not see any justification to give any further direction in the matter.

With the above observations, the appeal is dismissed.

G.S. SINGHVI, C.J.

4th October, 2007

C.V. NAGARJUNA REDDY, J.

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